

Mark R. Thierman, Nev. Bar No. 8285
Joshua D. Buck, Nev. Bar No. 12187
Leah L. Jones, Nev. Bar No. 13161
Joshua R. Hendrickson, Nev. Bar No. 12225
THIERMAN BUCK LLP
7287 Lakeside Drive
Reno, Nevada 89511
Tel. (775) 284-1500
Fax. (775) 703-5027
mark@thiermanbuck.com
josh@thiermanbuck.com
leah@thiermanbuck.com
joshh@thiermanbuck.com

Christian Gabroy (#8805)
Kaine Messer (#14240)
GABROY MESSER
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
christian@gabroy.com
kmesser@gabroy.com

Attorneys for Plaintiffs

Sheri M. Thome, Esq.
Nevada Bar No. 008657
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
Sheri.Thome@wilsonelser.com

AARON FORD
Attorney General
Leslie Nino Piro
General Counsel
Nevada Bar No. 011672
Kiel B. Ireland
Deputy Attorney General
Nevada Bar No. 15368C
State of Nevada
OFFICE OF THE ATTORNEY GENERAL
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
Telephone: (702) 486-3420
Facsimile: (702) 486-3773
LNinoPiro@ag.nv.gov
kireland@ag.nv.gov

*Attorneys for Defendant The State of Nevada,
ex rel. its Department of Corrections*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DONALD WALDEN, JR., et al., etc.,

Plaintiffs,

v.

THE STATE OF NEVADA, EX REL. NEVADA
DEPARTMENT OF CORRECTIONS, and
DOES 1-50,

Defendants.

Case No.: 3:14-cv-00320-MMD-CSD

**STIPULATION AND PROPOSED ORDER
TO (1) EXTEND DEADLINES FOR
DISTRIBUTION OF SETTLEMENT
NOTICE AND (2) RESCHEDULE FINAL
FAIRNESS HEARING**

1 Plaintiffs DONALD WALDEN JR., NATHAN ECHEVERRIA, AARON DICUS, BRENT
2 EVERIST, TRAVIS ZUFELT, TIMOTHY RIDENOUR, and DANIEL TRACY on behalf of
3 themselves and all other similarly situated individuals (“Plaintiffs”), and Defendant STATE OF
4 NEVADA, *EX. REL.* ITS DEPARTMENT OF CORRECTIONS (“Defendant” or “NDOC”)
5 (collectively “the Parties”), hereby inform this Honorable Court of the following:

6 This Court granted preliminary approval of the Parties’ collective and class action
7 settlement (“Settlement”) on December 1, 2022 (*see* ECF No. 432, hereinafter referred to as the
8 “Preliminary Approval Order”).

9 Approximately 5,400 individuals were preliminarily identified as class members. The
10 deadline for Defendant to submit class member information to Phoenix Class Action Solutions
11 (hereinafter referred to as the “Claims Administrator”) was December 8, 2022 (*see id.* at ¶ 10(a)).

12 As of the date of this stipulation Defendant has yet to submit the class member information
13 to the Claims Administrator. Despite the best efforts of NDOC’s human resources staff, data was
14 unavailable and/or inaccessible for approximately 800 class members.¹ Defendant’s counsel is
15 assisting and coordinating with the State’s Division of Human Resource Management to provide the
16 remaining missing/incomplete data to the Claims Administrator as quickly as possible.

17 Without the full class member information, the Claims Administrator is unable to (1)
18 calculate class member workweeks worked and the estimated settlement share of each class
19 member, or (2) mail the class notice (“Notice of Settlement”) to class members.

20 Since the Notice of Settlement has yet to be mailed, the following notice and deadlines need
21 to be revised and extended: (i) deadline to mail the Notice of Settlement, (ii) deadline for class
22 members to opt-out of the settlement; (iii) deadline for class members to object to the settlement;
23 and (iv) deadline for Class Counsel to file the motion for final approval and all related documents.

24 Since the Notice of Settlement has yet to be mailed, the final fairness hearing (“Final
25 Approval Hearing”) currently scheduled for February 6, 2023, at 9:00 a.m. will need to be
26 rescheduled to a later date sometime on or after March 13, 2023.

27 ¹ For example, if a corrections officer transferred to another state agency, rather than
28 terminating state service, NDOC’s human resource staff could no longer access the officer’s
personal privacy information, such as a social security number and last known address, in the
HR/payroll software.

1 BASED ON THE FOREGOING, THE PARTIES HEREBY STIPULATE AND AGREE
2 AS FOLLOWS:

3 1) Defendant shall provide class member information to the Settlement Administrator
4 pursuant to paragraph 15(a) of the Settlement no later than Wednesday, January 25, 2023.

5 2) The Claims Administrator shall mail the Notice of Settlement to all class members
6 no later than Wednesday, February 1, 2023.

7 3) Class members shall have until March 3, 2023 (30-days from the date of the mailing
8 of the Notice of Settlement) to either do-nothing (i.e., participate in the Settlement), opt-out, or
9 object to the Settlement.

10 4) Class Counsel shall submit the motion for final approval of the Settlement, and all
11 related papers, no later than seven (7) calendar days prior to the date set for the Final Approval
12 Hearing.

13 5) The Final Approval Hearing shall be set by the Court no earlier than March 13,
14 2023.

15 6) The Parties hereby stipulate and agree that no other deadlines established by the
16 Court in its Preliminary Approval Order will be affected by this stipulation (i.e., the funding and
17 settlement payout deadlines will remain the same so that Plaintiffs and class members are not
18 prejudiced as a result of Defendant's inability to produce the class member information in a timely
19 manner). Accordingly, Defendant agrees that it will make the second deposit, as set forth in the
20 Settlement, no later than May 5, 2023, provide that the Settlement is fully and finally approved.

21 Respectfully Submitted:

22 Dated: January 12, 2023

23 THIERMAN BUCK LLP

24 /s/ Joshua D. Buck
25 Joshua D. Buck, NV Bar No. 12187
26 7287 Lakeside Drive
27 Reno, Nevada 89511
28 *Attorneys for Plaintiffs*

Dated: January 12, 2023

OFFICE OF THE ATTORNEY GENERAL

/s/ Leslie Nino Piro
Leslie Nino Piro, NV Bar No. 011672
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
*Attorneys for Defendant State of Nevada, ex rel.
its Department of Corrections*

WILSON ELSE MOSKOWITZ EDELMAN
& DICKER LLP

/s/Sheri Thome

Sheri Thome, NV Bar No. 8657
300 South Fourth Street, 11th Floor
Las Vegas, NV 89101

*Attorneys for Defendant State of Nevada, ex rel.
its Department of Corrections*

[PROPOSED] ORDER

Having considered the Parties' stipulation set forth above, the Court hereby ORDERS the following:

1) Defendant shall provide class member information to the Settlement Administrator pursuant to paragraph 15(a) of the Settlement no later than Wednesday, January 25, 2023. (Should Defendant fail to provide the class member information to the Claims Administrator by this date, Defendant will file a response to an order to show cause why sanctions should not issue no later than Monday, January 30, 2023.)

2) The Claims Administrator shall mail the Notice of Settlement to all class members no later than Wednesday, February 1, 2023.

3) Class members shall have until March 3, 2023 (30-days from the date of the mailing of the Notice of Settlement) to either do-nothing (i.e., participate in the Settlement), opt-out, or object to the Settlement.

4) Class Counsel shall submit the motion for final approval of the Settlement, and all related papers, no later than seven (7) calendar days prior to the date set for the Final Approval Hearing.

5) The Final Approval Hearing originally set for February 6, 2023, is hereby rescheduled to ___, 2023, at ___ a.m/p.m.

6) No other deadline set forth in the Court's Order granting preliminary approval of the Settlement will be altered. Accordingly, the revised implementation schedule is as follows:

a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	January 25, 2023
----	---	------------------

b.	Deadline for Claims Administrator to Mail the Notice to Class Members	February 1, 2023
c.	Deadline for Defendant to Make Good Faith Deposit To Settlement Account maintained by Claims Administrator	January 17, 2023 ² [30 calendar days from the date of IFC approval]
d.	Deadline for Defendant's Insurer to Make Good Faith Deposit To Settlement Account maintained by Claims Administrator	January 17, 2023
e.	Deadline for Class Counsel to File Motion for Final Approval of Fees, Costs, and Service Awards	December 15, 2022
f.	Deadline for Class Members to Postmark Requests for Exclusions	March 3, 2023 [30 calendar days after initial mailing of the Notice to Class Members]
g.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	March 3, 2023 [30 calendar days after initial mailing of the Notice to Class Members]
h.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	March 13, 2023 [7 calendar days prior to Final Approval Hearing]
i.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	_____, 2023 [7 calendar days prior to Final Approval Hearing]

² The Preliminary Approval Order provides a deadline of December 29, 2022, and further states "21 calendar days after Order granting Preliminary Approval or 30 calendar days from date of approval by the BOE and IFC, whichever is later." This date is updated to reflect 30 days from the IFC's December 15, 2022 meeting when Defendant's agenda item related to this Settlement was approved.

j.	Final Fairness Hearing and Final Approval	March 20, 2023, at 11:00 a.m. in Reno Courtroom 5
k.	Deadline for Defendant to Remaining Settlement Fund Deposit to Settlement Account maintained by Claims Administrator	May 5, 2023
l.	Deadline for Claims Administrator to wire transfer the Attorneys' Fees and Costs to Class Counsel (if Settlement is Effective)	May 15, 2023
m.	Deadline for Claims Administrator to mail the Settlement Awards to Class Members and the Enhancement Awards to Class Representatives (if Settlement is Effective)	May 15, 2023
n.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	November 1, 2023
o.	Uncashed Checks to be Voided and Monies Remitted to State of Nevada Unclaimed Property Fund	November 1, 2023
p.	Unclaimed Settlement Monies Revert to the State of Nevada	November 1, 2024

IT IS SO ORDERED.

DATED: January 11, 2023



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE